IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1535 of 2004 and 1596 of 2004

(Writ Appeals under Clause 15 of the Letters Patent against the Order dated 15/02/2004 in W.P.No:6913 of 1994 and the order dated 03/09/2004 in Review W.P.M.P.No:19818 of 2004 in WP NO : 6913 OF 1994 on the file of the High Court.)

1535 of 2004

Between:

S.Venugopal Rao, S/o TammaRao, Dredging Corporation of India Limited, Visakhapatnam

..... APPELLANT

AND

1 Dredging Corporation of India Ltd. A Government of India Enterprises having its Head Office at Port Area corrected with Permission, Visakhapatnam
2 TheDistrictCollector,Visakhapatnam
3 The Commissioner of Tribal Welfare, State of Andhra Pradesh, Hyderabad

.....RESPONDENT(S)

1596 of 2004

Between:

S.Venugopal Rao, S/oTamma Rao, Dredging Corporation of India Limited, Visakhapatnam

..... APPELLANT

AND

1 Dredging Corporation of India Ltd. A Government of India Enterprises having its HeadOffice at Port Area corrected with Permission, Visakhapatnam
2 The District Collector, Visakhapatnam
3 The Commissioner of Tribal Welfare, State of Andhra Pradesh, Hyderabad

.....RESPONDENTS

Counsel for the Appellant:MR.M.RAVINDRANATH REDDY (In both)

Counsel for the Respondent No.1: MR.D.V.SITARAMAMURTHY (In both)

Counsel for the respondents 2&3: GP for Social Welfare (in both)

The Court made the following:

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COMMON JUDGMENT (Per the Honourable Sri Justice S.Ananda Reddy)

These two writ appeals are filed by the writ petitioner-appellant herein aggrieved by the order of the learned single Judge while disposing of the main writ petition as well as the order passed in review.

The writ petitioner was an employee of the 1st respondent-company. When the 1st respondent was conducting interviews to the post of Superintendent and when the petitioner was about to appear, the 2nd respondent-District Collector issued the impugned communication informing the 1st respondent that the petitioner does not belong to the Scheduled Tribe Community, and, therefore, he should not be considered for the post under that category. Aggrieved by that, the writ petitioner has approached this Court and filed the writ petition and as per the interim order, he was permitted to appear for the interview. Though the results were not published originally, but subsequently when they were published, the petitioner was not among the selected candidates.

On the fair submission made by the learned Government Pleader appearing for the 2nd respondent that the earlier enquiry was not conducted in accordance with the provisions of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act 16 of 1993) for cancellation of the caste certificate obtained by the petitioner, the learned single Judge while disposing of the writ petition directed the 2nd respondent-District Collector to conduct a detailed enquiry. As the impugned order in the writ petition was not set aside, a review petition was filed and in the review, the impugned order in the writ petition was set aside. But, however, the petitioner is aggrieved with reference to the direction that was given by the learned single Judge to the 2nd respondent-Collector to conduct enquiry with reference to the social status of the petitioner and to take into account the out come of the appeal which was filed

against the proceedings of the 2nd respondent-District Collector by the son of the writ petitioner, so as to pass appropriate orders under the provisions of section 5 of the Act 16 of 1993.

The learned counsel appearing for the writ petitioner contended that the District Collector-2nd respondent issued a letter basing on certain reports from the Commissioner of Tribal Welfare, to the 1st respondent-company conveying that the writ petitioner is not entitled to be considered for the benefits of Scheduled Tribe Community. According to the learned counsel, after the Act 16 of 1993 was enacted, except the District Collector, no other office is empowered to conduct the enquiry with reference to the social status of a person for cancellation of the social status certificate issued earlier.

Admittedly, in the present case, the District Collector did not conduct any enquiry as contemplated under the provisions of the Act 16 of 1993. Therefore, the impugned letter communicated by the 2nd respondent-District Collector to the 1st respondent-Company, is clearly not in accordance with law. The learned single Judge has rightly set aside the order, but however, issued a further direction, which is not warranted under the circumstances of the case.

The learned counsel appearing for the 1st respondent-company has fairly stated that the 1st respondent-company did not make any complain with reference to the social status of the writ petitioner, but the District has acted upon the complaint of the Association of the Scheduled Tribe Community.

Heard both sides and considered the material on record.

The writ petition was filed questioning the proceedings of the 2nd respondent-District Collector communicated to the 1st respondent-company. The learned single Judge having quashed the said proceedings as not in accordance with law, ought have left the issue there itself, without giving further directions which are not warranted.

Under the above circumstances, the direction issued by the learned single Judge to the 2nd respondent-District Collector to conduct an enquiry and to take into account the out come of the appeal filed by the son of the writ petitioner herein, is beyond the scope of the writ petition and therefore, We are inclined to set aside that

portion of the order of the learned single Judge.

Accordingly, both the writ appeals are partly allowed.

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Justice T.Meena Kumari

1st February, 2005

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Justice S.Ananda Reddy

Gurc.

Copies to

1 TheDistrictCollector,Visakhapatnam
2 The Commissioner of Tribal Welfare, State of Andhra Pradesh, Hyderabad

3. 2 C.Cs to the G.P. for Revenue, High Court Buildings, Hyderaband (OUT)

4. 2 C.Cs. to the G.P. for Tribal welfare, High Court Buildings, Hyderabad (OUT)

5. 2 C.Ds.

HONOURABLE SMT. JUSTICE T.MEENAKUMARI

&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL Nos:1535 of 2004 and 1596 of 2004

(Common judgment delivered by Sri Justice S.Ananda Reddy)

1st February, 2005